

## **REMARKS/ARGUMENTS**

### **Status of the Application**

Prior to entry of this amendment, the application included claims 1, 4-11 and 13-30. An Office Action mailed October 28, 2004, rejected claims 1, 4-11 and 13-30 under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,740,075 to Bigham et al. ("Bigham") in view of US Patent No. 5,889,465 to Mercadante et al. ("Mercadante").

This amendment amends claims 1, 13, 14, 29 and 30, and adds new claims 31-34. No claims have been. Hence, after entry of this amendment, claims 1, 4-11 and 13-34 stand pending for examination.

### **Claim Amendments**

Claims 1, 13, 14, 29 and 30 have been amended. Claim 1 has been amended to recite "the alarm system being configured . . . to allow the provider to monitor an operational parameter of the power source via the fiber optic communication medium," and claim 14 has been amended similarly. Support for these amendments can be found, *inter alia*, on page 11 of the application, at lines 24-27. Claims 13 and 30 have been amended to depend from new claim 31, and claim 29 has been amended to depend from new claim 33.

New claims 31-34 have been added. Claim 31 is similar to old claim 5 but is rewritten in independent form, and the recitation that "the electrical power source is configured to supply an electrical supply voltage to power a plurality of optical network nodes" has been claimed separately in dependent claim 32. Similarly new claim 33 is similar to old claim 14, with the added recitation that "the electrical power source is remote from the optical network node." New claim 34 is similar to claim 32.

## **Claim Rejections**

The office action rejects claims 1, 4-11 and 13-30 under 35 U.S.C. § 103(a) as being unpatentable over Bigham in view of Mercadante. The applicants respectfully traverse the rejections in part and submit that the rejections have been overcome in part. Specifically, the cited references fail to teach each limitation of any pending claim, and in fact teach away from some claims. Accordingly, the cited references properly cannot form a *prima facie* case of obviousness under § 103(a).

Take, for example, claim 1, which, as amended recites, *inter alia*, an "alarm system being configured . . . to allow the provider to monitor an operational parameter of the power source via the fiber optic communication medium." As the office action properly notes, Bigham fails even to teach an alarm system at all. While Mercadante does teach an alarm system, Mercadante fails to teach either (1) that the alarm system can allow a provider to monitor an operational parameter, or (2) that such monitoring can be performed via the optical communication medium. Instead, Mercadante teaches an alarm system that comprises a series of switches that close upon failure of the power supply, and, as the office action notes, "Mercadante teaches [at 7:5-9] a power quality reporting system using a telephone communications link, other than a fiber optic communication medium, to notify a central location for power disruption." Thus, the cited combination fails in at least two ways to teach the elements of claim 1. Not only does Mercadante fail to teach allowing a provider to monitor an operational parameter (as opposed to simply reporting a failure), but Mercadante specifically fails to teach the use of a fiber optic communication medium for any communication between a power supply and a provider. Further, there appears to be no motivation to modify Mercadante to operate in the claimed manner.

Thus, claim 1 is allowable over the cited combination. For at least similar reasons, independent claim 14 likewise is allowable. Claims 4-11, 13 and 15-30 are allowable as depending from allowable base claims and as being directed to specific novel substitutes.

The applicants respectfully submit that new claims 31-34 are allowable as well. Claim 31, which is exemplary, recites, *inter alia*, that "the electrical power source is remote from the optical network node." The office action states that "Bigham disclose[s] that the power source (1211) is located proximate to the optical network node (1210), which is remote from the optical power node and supplies power to a plurality of the optical network node." The applicants respectfully submit that the terms "proximate to" and "remote from" are mutually exclusive, and that Bigham's power source simultaneously cannot be both "proximate to" and "remote from" an ONU, and that to the extent Bigham discloses a power source proximate to an optical network node (as the office action states in rejecting claim 6), that same disclosure cannot be used to reject a claim (such as claim 31) that recites a power supply remote from an optical network node.

Irrespective of this inconsistency, it is clear that Mercadante teaches away from providing a power source remote from an ONU. First, Mercadante (Fig. 2) clearly teaches that the power service unit 20 is not only proximate to the ONU but coupled directly to it 40. Moreover, Mercadante (1:64-66) teaches that "[p]roviding a power service unit for each ONU permits the flexibility of tailoring the output of the power service unit to a specific ONU." Thus, Mercadante clearly teaches the benefits of a PSU directly coupled with an ONU, thereby teaching away from both a PSU located remote from the ONU and a PSU that could supply power to multiple ONUs.

Consequently, if Bigham did teach a power source remote from an optical network node (which it does not), Mercadante properly could not be combined with Bigham. The two references, therefore, cannot be used to form a proper *prima facie* case of obviousness under § 103(a) with respect to claim 31, or for similar reasons, claim 33. *A fortiori*, claims 32 and 34, which recite that "the power source is configured to supply an electrical supply voltage to power a plurality of optical network nodes," are allowable over the cited references.

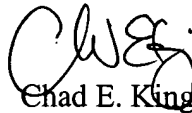
The applicants respectfully submit, therefore, that the claims as pending are allowable over the cited references, taken alone or in combination, and respectfully request the withdrawal of the rejections and the allowance of all pending claims.

### Conclusion

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



Chad E. King  
Reg. No. 44,187

Date: 1/26/05

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 303-571-4000  
Fax: 415-576-0300  
Attachments  
CEK/jln  
60382600 v1